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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,299	01/05/2004	Robert Rissone	3715-9	8799
23117	7590	07/28/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,299	Applicant(s) RISSONE, ROBERT	
	Examiner Chapman E. Jeanette	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 9, 12, 13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/5/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

df

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Rohrberg et al (3543326). Figure 5 of Rohrberg discloses a door threshold structure in combination with a carpet. The structure is capable of being located beneath a door. See column 5, line 70-75. The threshold comprises:

1. a door threshold see figures 1 and 5 including a main body 160
 - a. on at least one side of the main body, there are upper and lower members 164 and 162, respectively, extending from the main body and in spaced apart relation from one another so that the upper/lower members are at least partially substantially parallel to one another
 - b. gaps between the upper and lower members 164,162 receives the end of the carpet 22/23; see figure 5
 - c. the upper end 164 of the clamp possesses some degree of flexibility to allow the carpet end inside the gap
 - d. The upper end 164 of the clamp 160 is biased downwardly toward an end of the bottom member 162 in order to grip the carpet that is

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located between upper and lower member 164 and 162,
respectively

2. the carpet 22/23

~~20/21~~

~~20/22~~

35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrberg et al (3543326) in view of Wilbs et al (5657598). Rohrberg discloses the base of door threshold 160 comprises first and second feet which are spaced apart from one another. Each of the feet being at least part of the lower member but lacks the bottom surface that is saw tooth shaped. Wilbs et al a carpet joining clamp providing a mounting strip with saw toothed edges. See figures 1-2 and 4, elements 42,44. In view of the above it would have been obvious to include the mounting sawtooth edge to grip the surface of installation and prevent inadvertent moving of the threshold or clamp.

Claims 6, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrberg et al (3543326) in view of Kelly (3696461). Rohrberg lacks the riser/wedge shaped shim located beneath the threshold. Kelly discloses a carpet

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clamp configured as that of the base reference. The upper surface of the riser/shim 100 and a lower surface 112 of the threshold 110 are engaged in an interlocking manner so that the riser is capable of adjusting a height of the door threshold. Kelly includes a riser or saddle 100 to make the carpet installation adaptable to a variety of compartment configurations. It would have been obvious to one of ordinary skill in the art to modify Rohrberg to include the riser to make the threshold adaptable to a variety of floor surfaces adjacent the threshold.

Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrberg et al (3543326) in view of Rissone (6442901). Rohrberg shows the door 30 but not the door sweep. Rissone disclose the door sweep in association with a door. See figure 6(a). It would have been obvious to one of ordinary skill in the art to modify Rohrberg by replacing element 38 with the door sweep of Rissone to reduce light and /or noise flow while enabling air flow through the door bottom seal.

Claims 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrberg et al (3543326) in view of Baczuk et al (5657598). See above for the limitations taught byRohrberg. Rohrberg lacks the bracket mounted to the doorframe adjacent the threshold; Baczuk et al discloses a bracket 30 mounted to a door frame10/24/26. See figure 1. The bracket comprising first and second spaced apart and parallel vertically extending members 42/44. The first member 42is attached to the door frame and the second member 44 is located in a slit, adjacent 51, defined in a bottom surface of the threshold 28. See figure 3. It would have been obvious to include the bracket to the threshold of Rohrberg in

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order to provide a means to secure the threshold securely to the door frame as shown by Baczuk et al.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrberg et al (3543326) in view of Baczuk et al (5657598). See above for the limitations taught by Rohrberg. Rohrberg lacks the pan mounted to the doorframe and located beneath the door threshold supporting the door threshold; Baczuk et al discloses a pan 30 mounted to a door frame 10/24/26. See figure 1. The bracket comprising first and second spaced apart and parallel vertically extending side walls 42/44. The door threshold 28 is mounted on the pan 30 between the first and second spaced apart vertically extending sidewalls of the pan. Fasteners or nails 72 extend through the first and second sidewalls of the pan into the threshold attaching the threshold to the pan. The end of the pan is located underneath the door frame. It would have been obvious to include the pan to the threshold of Rohrberg in order to provide a means to secure the threshold securely to the door frame as shown by Baczuk et al.

Claim(s) 9, 12, 13, 15-16 (is/are) objected to as depending upon a rejected base claim but would be considered allowable if amended to include the base claim and any intervening claim. Claims 12 and 13 are only allowable as they depend on claim 9

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

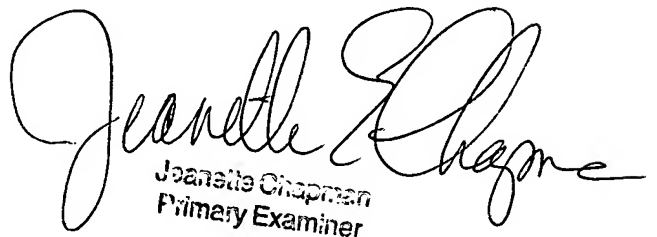
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Jeanette Chapman
Primary Examiner

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeanette Chapman
Primary Examiner